

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 13168 of David A. Swit, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.23), the side yard requirements (Sub-section 3305.1 and Paragraph 7107.22) and the open court width requirements (Sub-section 3306.1 and Paragraph 7107.22) for a proposed rear addition to a single family row dwelling which is a non-conforming structure in an R-2 District at the premises 2934 Upton Street, N. W., (Square 2235, Lot 61).

HEARING DATE: February 13, 1980  
DECISION DATE: March 5, 1980

FINDINGS OF FACT:

1. The subject property is located on the south side of Upton Street between Connecticut Avenue and 29th Street, N. W., in an R-2 Zone District at premises known as 2934 Upton Street, N. W.
2. The site is presently improved with a three story and basement brick row structure.
3. The applicant proposes a rear addition to include a new study and interior stair at the basement level, and a family and powder room and enlargement of the kitchen, on the first floor. No addition is proposed for the second and third story.
4. The lot is approximately 3,487.50 square feet in area. It is twenty five feet wide and 139.50 feet long. The applicant provides a fifty six foot rear yard.
5. The house was constructed in 1915, as a row dwelling having structures attached on both sides. Upon adoption of the 1958 Zoning Regulations, the structure became non-conforming as to side yard, open court and lot width requirements.
6. Pursuant to Sub-section 3303.1 of the Zoning Regulations, a maximum of forty percent or 1,395 square feet of the lot can be occupied. With the proposed addition, the structure occupies 1,695.14 square feet. Thus a variance of 300.14 square feet or twenty two percent is required. The over-occupancy of the lot is caused in part by an exterior covered porch at the front of the dwelling. If the porch were not roofed over, as are the majority of houses in the area, the lot occupancy would be substantially reduced.

7. Pursuant to Sub-section 3306.1 of the Zoning Regulations, an open court shall be not less than six feet. The subject property's existing rear porch has 1.25' of open space existing between it and the west side lot line. This theoretically constitutes an open court. The applicant proposes to maintain the same width of the court for the addition. Thus a variance of 4.75' or 79% is required.

8. Pursuant to Sub-section 3305.1, one eight foot side yard is required for the R-2 zone. The applicant has 3.75 feet of open space between the rear porch and the lot line to the east side of the property. That 3.75 foot side yard would also be maintained for the addition. Thus a variance of 4.25' or 53% is required.

9. The applicant provided statements of support from both adjoining property owners as well as surrounding residents, as well as alternate plans to allow for less infringement upon the open space of the adjoining owners to the west. The plans are filed with the Board as Exhibit 26.

10. Advisory Neighborhood Commission 3F by letter dated November 30, 1979, offered no objections to the granting of this application.

11. There was no opposition to the granting of this application.

#### CONCLUSIONS OF LAW AND OPINION

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the requested variances are area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board is of the opinion that the narrowness of the lot and the configuration of the existing improvements as well as the applicant's inability to enlarge the existing structure, except to the rear, creates such a difficulty. The property is a row dwelling in a zone intended for single family semi-detached dwellings. The applicant is not increasing the degree of non-conformity of the side yard or open court. The Board further concludes that the requested variances will not cause substantial detriment to the public good, nor impair the intent, purpose and integrity of the Zoning Regulations and Map. Accordingly, it is ORDERED that this application is hereby GRANTED.

VOTE: 4-0 (Walter B. Lewis, William F. McIntosh, Connie Fortune and Leonard L. McCants to grant; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 21 APR 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.